

**ARTICLE 1**  
**GENERAL PROVISIONS**

**1-101 Title**

These regulations shall hereinafter be known and cited as the Subdivision Regulations of Kingston Springs, Tennessee.

**1-102 Authority**

These subdivision regulations are adopted by the Kingston Springs Municipal-Regional Planning Commission (hereinafter referred to as "planning commission"), in pursuance of the authority and powers granted by Section 13-4-301 through 13-4-309 and Sections 13-3-401 through 13-3-411, Tennessee Code Annotated. Having adopted a major thoroughfare plan for the jurisdictional area, and filed a certified copy of the plan with the Cheatham County Register of Deeds (hereinafter referred to as "county register") as required by Sections 13-4-302 and 13-3-402, Tennessee Code Annotated, and having held a public hearing as indicated in Sections 13-4-303 and 13-3-403, the planning commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

**1-103 Jurisdiction**

These subdivision regulations shall apply to all subdivisions, as herein defined, located within Kingston Springs, Tennessee. No land shall be subdivided within the jurisdictional area until the subdivider submits a plat as required by these regulations, obtains planning commission approval of the plat, and files the approved plat with the county register.

**1-104 Policy and Purpose**

It is hereby declared to be the policy of the planning commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use or community development plan (hereinafter referred to as "land development plan") of the jurisdictional area for orderly, planned, and efficient physical and economical development.

Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace. Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be properly related to the proposals shown in the land development plan.

The regulations herein shall supplement and facilitate the enforcement of the provisions and standards contained in the Kingston Springs Zoning Ordinance, (hereinafter referred to as "zoning ordinance").

These regulations are adopted for the following purpose.

- (1) To promote the public health, safety, and general welfare of the jurisdictional area.
- (2) To guide the development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- (3) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- (4) To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- (5) To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- (6) To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- (7) To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- (9) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- (10) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.
- (11) To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.
- (12) To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in any zoning ordinance.
- (13) To encourage subdivision design which would maximize the conservation of all forms of energy.

## **1-105 Interpretation, Conflict, and Severability**

### **1-105.1 Interpretation**

These regulations shall be held to be the minimum requirements for the promotion of health, safety, and general welfare.

### **1-105.2 Conflict with Public and Private Provisions**

#### **1-105.201 Public Provisions**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

#### **1-105.202 Private Provisions**

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and as such is beyond the jurisdiction of the planning commission.

### **1-105.3 Severability**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The planning commission hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

## **1-106 Saving Provision**

These regulations shall not be construed as abating any action not pending under, or by virtue of prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the governing body under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the governing body, except as expressly provided otherwise in these regulations.

## **1-106.1 Previously Approved Subdivisions**

### **1-106.101 Unexpired Preliminary Approval**

The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

### **1-106.102 Expired Preliminary Approval**

In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the planning commission may:

- (1) permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- (2) stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the planning commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the planning commission's deliberation on this question.

## **1-107 Amendments**

### **1-107.1 Enactment**

For the purpose of providing for the public health, safety, and general welfare the planning commission may from time to time amend these regulations. Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the planning commission, as required by Chapter 3 and 4, Title 13, Tennessee Code Annotated.

### **1-107.2 Codification and Distribution**

Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner.

- (1) Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of the last revision of the page.

- (2) In Article 7, of these regulations, each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner which fully states any language deleted from these regulations and any language added and the place in the text of each such change.

## **1-108 Resubdivision of Land**

### **1-108.1 Procedures for Resubdivision**

If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the planning commission by the same procedure, rules, and regulations as for a subdivision.

### **1-108.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen**

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for any zoning district in which the lot is located, and the planning commission has reason to believe that any such lot(s) will be resubdivided into smaller building sites, the planning commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways. The planning commission may also require that dedications providing for the future opening and extension of such public ways be indicated on the plat.

## **1-109 Conditions**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the planning commission. The developer has the duty of compliance with reasonable conditions imposed by the planning commission for design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

## **1-110 Vacation of Plats**

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. The planning commission shall follow the same procedure for approval of plats. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or  
filed; the

instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications laid out or described in such plat. When any lot or lots have been sold the plat may be vacated in the manner herein provided only if all of the owners of lots in such platted area join in the execution of such writing.

## **1-111 Variances**

### **1-111.1 General**

If the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted; provided, such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the planning commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

- (1) the granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
- (2) the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
- (4) the variance will not in any manner alter the provisions of the land development plan, the major street or road plan, or any zoning ordinance.

Where the planning commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

### **1-111.2 Procedures**

In approving any variation from these regulations the planning commission shall state fully in the minutes the grounds for the variation and all of the facts upon which the decision is made.

### **1-111.3 Conditions**

In approving variations, the planning may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

## **1-112 Enforcement, Violation, and Penalties**

### **1-112.1 General**

#### **1-112.101 Authority**

The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Tennessee Code Annotated.

#### **1-112.102 Enforcing Officer**

It shall be the duty of the City Manager or designee and within the regional area the Cheatham County Building Commissioner (both herein referred to as "the enforcing officer") to enforce these regulations and to bring to the attention of legal council any violations or lack of compliance herewith.

#### **1-112.103 Recording of Plats**

Pursuant to Section 13-4-302 and 13-3-402, Tennessee Code Annotated, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the county register until the plat has received final approval of the planning commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the planning commission secretary in the manner prescribed by Section 2-105, of these regulations.

#### **1-112.104 Use of Unapproved Plats**

Pursuant to Subsection 13-4-306 and 13-3-410, Tennessee Code Annotated, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.

#### **1-112.105 Public Ways and Utilities**

Pursuant to Subsection 13-4-307 and 13-3-410, Tennessee Code Annotated, the governing body shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way shall have been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the planning commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the planning commission or on a public way plat made by the planning commission.

However, the governing body may override the planning commission as provided in Title 13, Tennessee Code Annotated.

In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the planning commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the planning commission.

**1-112.106 Building Permits**

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

**1-112.107 Access to Lots by Public Way or Private Easement**

Pursuant to Subsection 13-4-308 and 13-3-411, Tennessee Code Annotated, no building permit shall be issued and no building, or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law.

Provided, however that when a permanent easement to a public street is used as access to a lot or tract of land being separated by plat from other property, such easement shall be at least fifty (50) feet in width and shall not be used to provide access to more than one lot or tract of land.

The following standards shall also apply to all permanent easements being used to provide access to one lot or tract of land:

- (1) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.
- (2) no easement shall exceed seven hundred (700) feet in length.
- (3) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (4) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (5) maintenance of the easement shall be the responsibility of the property owners.
- (6) all required utility easements shall be located outside the 50 foot roadway easement.

- (7) any further subdividing on the easement shall require the development of a public road and meet all road standards and other requirements as stated in these regulations.

The above subsection shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

## **1-112.2 Penalties for Violations**

### **1-112.201 Recording of Unapproved Plats**

Any county register, receiving, filing or recording a plat of a subdivision in violation of Subsection 1-112.103, of these regulations, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

### **1-112.202 Use of Unapproved Plats**

Any owner or agent of the owner of any land who violates Subsection 1-112.104, of these regulations shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

## **1-112.3 Civil Enforcement**

Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Subsection 1-112.2, of these regulations.

## ARTICLE 2

### PROCEDURES FOR PLAT APPROVAL

#### **2-101 General Procedure**

##### **2-101.1 Plat Approval Requirements**

Before any contract is executed for the sale of any parcel of land which is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure the planning commission's approval of the proposed subdivision in accordance with the procedures of this article.

##### **2-101.2 Classification of Subdivisions**

The planning commission shall classify each subdivision proposal as either major or minor as defined herein.

##### **2-101.201 Review Procedure**

The subdivider shall follow the procedure described below in order to secure plat approval.

##### (1) Minor Subdivision

- (a) Preapplication conference with the enforcing officer including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.
- (b) Submittal of a final plat, prepared, in accordance with the specifications in Section 5-104, herein, for approval by the planning commission.

##### (2) Major Subdivision

- (a) Preapplication conference on the subdivision with the planning commission and/or staff assistant to the planning commission, generally including a sketch plat, and discussion of the proposed area to be subdivided.
- (b) Submittal of the preliminary plat, prepared in accordance with Section 5-102, herein for planning commission approval.

- (c) Securing of approval from other public agencies.
- (d) Submittal of the final subdivision plat, prepared in accordance with Section 5-104, herein, for planning commission approval.

**2-101.3 Official Submission Date**

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the planning commission at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required in Section 13-4-301 and 13-3-404, Tennessee Code Annotated, for formal approval or disapproval of the plat shall commence.

**2-101.4 Policy on Flood Prone Areas**

In determining the appropriateness of land subdivision at any site containing a flood prone area, the planning commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104, of these regulations and, additionally:

- (1) the danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses;
- (2) the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;
- (3) the adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
- (4) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
- (5) the importance of the services provided by the proposed facility to the community at large;
- (6) the requirements of the subdivision for a waterfront location;
- (7) the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
- (8) the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;

- (9) the relationship of the proposed subdivision to the land development plan and the floodplain management program for the area;
- (10) the safety of access to the property for emergency vehicles in times of flood;
- (11) the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
- (12) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
- (13) the effect of the proposed subdivision upon the governing body's participation in the National Flood Insurance Program, if such governing body is, or elects to be, in the program.

No subdivision or part thereof shall be approved by the planning commission if proposed subdivision levees, fills, structures, or other features will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the planning commission.

In any instance in which the planning commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood prone areas, the planning commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by any zoning ordinance. The planning commission shall also ensure that development within any floodway fringe area (within the one hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article 4, of these regulations.

The planning commission shall disapprove the subdivision of any land containing a flood prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

## **2-101.5 Special Provisions Governing Unit Ownership (Condominium Subdivisions)**

### **2-101.501 General Provisions**

- A. Intent -- This section is intended to augment the general legislation of Sections 66-27-101 through 66-27-123, Tennessee Code Annotated, entitled "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Section 66-27-121, Tennessee Code Annotated.
- B. Applicability -- Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Sections 66-27-101 through 66-27-123, Tennessee Code Annotated, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations.

### **2-101.502 Submission of Plat Required**

Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the planning commission a subdivision plat of such property in the manner prescribed by this article; such plat, if approved, shall be filed with the county register in the manner prescribed by this article.

### **2-101.503 Determination of Subdivision Type**

Condominium subdivisions shall be classified by the planning commission during the plat review process as either horizontal condominiums or vertical condominiums as defined in Article 6, of these regulations.

### **2-101.504 Procedure**

An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this article.

### **2-101.505 Contents of Plans and Documents**

The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform with the specifications set forth in Article 5, of these regulations.

## **2-102 Sketch Plat (Major Subdivisions Only)**

### **2-102.1 Purpose of Sketch Plat**

The planning commission shall require a sketch plat from the developer for a pre-application conference with the planning commission. The sketch plat is to be a concept plan for design purposes and should be used to discover all factors which may have an impact on the proposed development and to advise the subdivider of various possibilities before substantial amounts of time and money have been invested in a very detail proposal which may contain elements contrary to these regulations.

### **2-102.2 Sketch Plat Requirements**

Ten (10) copies of the sketch plat shall be submitted including the information set forth in Section 5-101.

### **2-102.3 Approval of Sketch Plat**

When a sketch plat is submitted for planning commission approval, the timing of the submission shall be as for a preliminary plat. Approval of the plat shall constitute authorization to prepare detailed plans and specifications.

### **2-102.4 Expiration of Approval**

The approval of the sketch plat shall expire within one year if no other progress is made toward the development. An extension may be granted upon proper application.

## **2-103 Preliminary Plat (Major Subdivisions Only)**

### **2-103.1 Application Procedure and Requirements**

The applicant shall file with the planning commission a preliminary plat. The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a preliminary plat. The preliminary plat shall be prepared in accordance with Section 5-102, and:

- (1) be presented at the office of the enforcing officer.
- (2) include all land which the applicant proposes to subdivided and all land immediately adjacent, extending two hundred (200) feet therefrom, or of that directly opposite thereto, extending two hundred (200) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development;

- (3) be accompanied by a minimum of ten (10) copies of the preliminary plat as described herein;
- (4) be accompanied by a minimum of ten (10) copies of construction plans as described in Section 5-103, of these regulations.
- (5) be presented to the staff assistant to the planning commission at least fifteen (15) days prior to a regular (officially opened) meeting of the planning commission.

### **2-103.2 Administrative Review**

An administrative review meeting shall be conducted on the preliminary plat, construction plans, and any exhibits submitted in conformance with these regulations. This review shall include the staff assistant to the planning commission and any other appropriate governmental representative. The review shall be held prior to the regularly scheduled planning commission meeting at which the plat is to be reviewed. The findings of the review committee shall be presented to the planning commission.

With expert assistance, as necessary, the subdivider shall prepare a report, on any proposed subdivision containing or abutting a flood prone area. Such report shall estimate the discharge of the regulatory flood; determine the specific flooding threat at the site of the proposed subdivision; and indicate whether the subdivision is located in a floodway or floodway fringe area by:

- (1) calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
- (2) computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one foot at any point; and
- (3) unless otherwise established, computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood stages attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

### **2-103.3 Notice of Hearing**

A planning commission shall hold a hearing as required by Chapter 3 or 4, of Title 13, Tennessee Code Annotated, on each plat brought before it.

#### **2-103.4 Preliminary Approval**

After the planning commission has reviewed the preliminary plat, construction plans, exhibits, and the results of administrative review, the applicant shall be advised of any required changes. The planning commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after date of the regular meeting of the planning commission at which the hearing on preliminary approval, including adjourned date thereof, is closed.

A certificate of preliminary approval shall be issued by the secretary of the planning commission, upon demand, and the applicant may proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-104, of these regulations.

After the planning commission approves, conditionally approves, or disapproves the preliminary plat, one copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval thereon. If a preliminary plat is disapproved the planning commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting.

Before the planning commission approves a preliminary plat showing land for any public use, the planning commission shall obtain approval for the land reservation from the governing body or appropriate governmental agency.

#### **2-103.5 Public Improvements**

The planning commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the secretary of the planning commission. If the planning commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, an adequate performance bond shall be approved. The amount of such bond shall be established by the planning commission based upon the recommendation of the appropriate governmental representative or by receipt of cost bids from two (2) or more independent contracting firms equal to the cost of all necessary improvements plus; an additional fifteen (15) percent to cover inflation shall be added. It is the subdivider's responsibility to furnish these estimates to the planning commission.

Such bond shall be submitted by the applicant at the time of application for final subdivision plat approval. The planning commission shall require the applicant to indicate on the plat all public ways and improvements to be dedicated; all districts for water, fire, and utility improvements which shall be required to be established or extended; and any other special requirements deemed necessary by the planning commission in order for the subdivision plat to conform to the major street or road plan and the land development plan for the jurisdictional area.

### **2-103.6 Effective Period of Preliminary Approval**

The approval of a preliminary plat shall be effective for a period of twelve (12) months, at the end of which time final approval of the subdivision plat must have been obtained from the planning commission, although the plat need not have been signed and filed with the county register. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new plat for preliminary approval subject to any zoning provisions and the subdivision regulations currently in effect.

### **2-103.7 Zoning Regulations**

Every plat shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to such zoning ordinance or these regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval set forth in Subsection 2-103.6, herein.

## **2-104 Final Subdivision Plat (Minor and Major Subdivision)**

### **2-104.1 Application Procedure and Requirements**

A subdivider shall file with the planning commission a final plat. The plat shall be prepared in accordance with Section 5-104, and:

- (1) include the entire subdivision, or section thereof, for which final approval is sought;
- (2) be accompanied by a minimum of ten (10) copies of the final subdivision plat as described herein. Distribution of the copies shall be as in Subsection 2-103.1, (3), herein;
- (3) comply substantially with the preliminary plat, where such plat is required;
- (4) be presented at the office of the enforcing officer at least fifteen (15) days prior to the regular meeting of the commission at which it is to be considered;
- (5) be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Article 5, of these regulations.);

- (6) be accompanied by a performance bond, if required, in a form satisfactory to legal counsel and in an amount satisfactory to the governing body upon recommendation by the appropriate governmental representative. It shall include provisions that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the planning commission, including, but without limitations, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the governing body free and clear of all liens and encumbrances on the premise(s);
- (7) be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the planning commission upon preliminary plat approval; and
- (8) be accompanied, if the final plat contains open space, or recreational facilities, or if any portion of the site is in common ownership, by the following documentation for approval by the planning commission:
  - (a) plans for improvement and maintenance of the open space or facilities located thereon;
  - (b) articles of incorporation and bylaws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and
  - (c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.
- (9) be accompanied by a completed Developer's Agreement, as specified in Subsections 3-101.8 and 4-104.1, Subpart (7). **(Added by Resolution, September 8, 2005)**

#### **2-104.2 Endorsement of Notations**

The notations and certifications required by Subsection 5-104.3, of these regulations, to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of planning commission approval shall be signed at the time specified in Section 2-105, of these regulations.

### **2-104.3 Hearing and Decision on Final Plat**

The planning commission shall hold a hearing as required by Section 13-4-304 and 13-3-404, Tennessee Code Annotated, on each final plat brought before it. The planning commission shall, within thirty (30) days after submission of the plat, approve, modify, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed one year from the date of final resolution.

The failure of the planning commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed as specified in Sections 2-104.4 and 2-105, of these regulations, shall be issued, upon demand, by the secretary of the planning commission. The applicant, however, may agree to an extension of the time for planning commission review.

One (1) copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

### **2-104.4 Vested Rights**

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the secretary of the planning commission. All requirements, conditions, or regulations adopted by the planning commission, applicable to the particular subdivision or to all subdivision generally, shall be deemed a condition of approval for any subdivision prior to the time of the signing of the final plat by the secretary of the planning commission. Where the planning commission has required the installation of improvements prior to the signing of the final plat, the planning commission shall not modify unreasonably the conditions set forth in the resolution of final approval.

## **2-105 Signing and Recording of Subdivision Plat**

### **2-105.1 Signing of Plat**

- (1) When a bond is required, the secretary of the planning commission shall endorse approval on the plat after the bond has been approved by the planning commission and after all the conditions of the resolution pertaining to the plat have been satisfied.
- (2) When installation of improvements is required, the secretary of the planning commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the governing body as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished.

- (3) When the conditions of this section are satisfied, the secretary shall sign the permanent reproducible original of the subdivision plat.

### **2-105.2 Recording of Plat**

It shall be the responsibility of the enforcing officer to file plat with the county register's office within fifteen (15) days of the date of signature. Simultaneously, with the filing of the plat, the enforcing officer shall record the agreement of dedication together with such legal documents as shall be required to be recorded by legal counsel.

### **2-105.3 Sectionalizing Major Subdivision Plats**

Prior to granting final approval of a major subdivision plat, the planning commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision.

The planning commission may require that a performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the planning commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total number of lots contained in the proposed plat unless a specific waiver of this requirements is granted by the planning commission.

## ARTICLE 3

### ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

#### **3-101 Improvements and Performance Bond**

##### **3-101.1 Completion of Improvements**

Before the final subdivision plat is signed by the planning commission officer specified in Subsection 2-105.1, of these regulations, all applicants shall complete, in accordance with the planning commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the planning commission, and shall dedicate such improvements to the governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

##### **3-101.2 Surety Instrument**

The planning commission in its' discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat and may provide that, as an alternative, the applicant post a bond or letter of credit at the time of application for final subdivision plat approval in an amount estimated by the planning commission as sufficient to secure to the government the satisfactory construction, installation, and dedication of the incompleted portion of required improvements. (See Subsection 2-103.5). Said estimate shall include an additional fifteen (15) percent over and above the cost of securing all necessary improvements to cover the rate of inflation over the bondable period. The performance bond or letter of credit also shall secure all lot improvements on the individual lots of the subdivision as required in Article 4, of these regulations.

Such performance bond shall comply with all statutory requirements and shall be satisfactory to the city attorney, as appropriate, as to form, sufficiency, and manner of execution as set forth in these regulations. Accordingly, such performance bond must be officially filed and approved on the required forms in Appendix B, of The Subdivision Regulations of Kingston Springs. Moreover, only corporate insurance companies authorized to do business in the State of Tennessee shall file such bonds with the Town.

When a letter of credit is utilized it shall also be satisfactory to the city attorney as to form, sufficiency, and manner of execution as set forth in these regulations. Accordingly, such letter of credit must be officially filed and approved on the appropriate form cited in

Appendix B, of these regulations. Moreover, only state and federally chartered commercial banks and federally chartered savings and loan associations which are member institutions of FDIC and FSLIC located in the Nashville-Davidson County Metropolitan Statistical Area of Tennessee shall be acceptable institutions for the issuance of documentary letters of credit as required for the purposes of these regulations.

The period within which required improvements must be completed as assured through the use of a performance bond or letter of credit shall be specified by the Planning Commission in the resolution approving the final subdivision plat and shall be incorporated in the bond or letter of credit. This period shall be for one (1) year and shall not in any event exceed two (2) years from date of final approval. Moreover, whenever such bond or letter of credit is extended according to these regulations, the price of completing all bondable improvements must be reanalyzed and established by the Town Planning Commission in order that the surety instrument be adequate to cover the cost of all improvements. Again, an additional ten (10) percent of the cost of securing all necessary improvements shall be added to this cost figure in order to that these improvements be properly installed in relation to the rate of inflation for the period of extension. Such bond or letter of credit shall be approved by the City Commission or a designated representative as to amount, surety and conditions. The Planning Commission may recommend to the appropriate local legislative body, upon proof of difficulty, extension of the completion date set forth in such bond or letter of credit (normally a one (1) year period) for a maximum period of one (1) additional year. The legislative body may accept, at any time during the period of such bond or letter of credit, a substitution of principal or sureties on the bond or letter of credit upon the recommendation of the Planning Commission.

### **3-101.3 Temporary Improvements**

The applicant shall build and pay for all costs of temporary improvements required by the planning commission, and shall maintain them to a reasonable satisfaction for the period specified by the planning commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the governing body a separate suitable bond for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

### **3-101.4 Costs of Improvements**

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency shall be stipulated clearly in the provisions of any bonds.

### **3-101.5 Governmental Units**

Governmental units to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this article.

### **3-101.6 Failure to Complete Improvements**

In subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the planning commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases in which a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the governing body thereupon may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

### **3-101.7 Acceptance of Dedication Offers**

Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the governing body. Such action shall be in the form of a resolution recommended by the planning commission to the governing body. The approval by the planning commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public way, easement, or other ground shown on the plat. The planning commission may require the plat to be endorsed with appropriate notes to this effect.

### **3-101.8 Developer's Agreement**

A completed Developer's Agreement shall have been prepared and executed prior to initiation of any development within any area to which these regulations are applicable. The draft agreement shall reference the design incorporated within the approved construction plans and shall be sufficient in form to assure that the proposed construction methods and materials meet or exceed minimum standards established by the town. The draft shall be submitted along with the Final Plat for review by staff prior to approval or filing of the plat, as specified in Subsection 2-104.1, Subpart (9). **(Added by Resolution, September 8, 2005)**

## **3-102 Inspection of Improvements**

### **3-102.1 General Procedure**

The planning commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate governmental representative finds upon inspection that any of the required improvements has not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

### **3-102.2 Release or Reduction of Performance Bond**

#### **3-102.201 Certificate of Satisfactory Completion**

The governing body shall not accept dedication of required public improvements nor release nor reduce a performance bond until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the planning commission and the appropriate governmental representative (through submission of a detailed "as built" surveyor of the subdivision indicating location, dimensions, construction materials, and any other information required by the planning commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in Subsections 1-112.106 and 3-101.7, of these regulations.

#### **3-102.202 Reduction of Performance Bond**

A performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the bond.

### **3-103 Maintenance of Improvements**

The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of the public improvements by the governmental body.

The applicant may be required to file a maintenance bond with the governing body prior to dedication, in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the governing body. The minimum amount of a maintenance bond pertaining to public ways shall not be less than twenty (20) percent of the total amount of the surety bond filed with the city to construct said public way.

### **3-104 Deferral or Waiver of Required Improvements**

The planning commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the planning commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the developer shall either pay his share of the costs of the future improvements to the governing body prior to signing of the final subdivision plat by the appropriate governmental representative(s) or post a bond or other surety instrument ensuring completion of said improvements upon demand of the governing body.

### **3-105 Escrow Deposits for Lot Improvements**

#### **3-105.1 Acceptance of Escrow Funds**

Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the enforcing officer nevertheless may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the appropriate governmental representative for the cost of such improvements; provided, there otherwise is no danger to the health, safety, or general welfare. The performance bond covering such lot improvements shall remain in full force and effect.

#### **3-105.2 Procedures on Escrow Fund**

All required improvements for which escrow moneys have been accepted by the enforcing officer at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been installed properly at the end of the time period, the enforcing officer shall provide written notice of two (2) weeks to the developer requiring him to install the improvements, and in the event they are not installed properly, in the judgment of the enforcing officer, he may request the governing body to proceed to install or to contract for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow moneys are being deposited, the applicant shall obtain and file with the enforcing officer, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the enforcing officer to install the improvements at the end of the nine-month period in the event the improvements have not been installed properly by the developer.

### **3-106 Issuance of Building Permits and Certificates of Occupancy**

- (1) Where a performance bond has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision or section thereof shall be issued prior to the completion and dedication of the improvements to the appropriate governmental unit, as required in the planning commission's resolution of final approval of the subdivision plat.

- (2) The extent of public way improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy certificate. The developer shall at the time of the dedication submit monies in escrow to the governing body in a sum to be determined by the appropriate governmental representative.
- (3) No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent be less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the planning commission's resolution of final plat approval have been fully completed, dedicated, and accepted by the governmental body.

## ARTICLE 4

### REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

#### 4-101 General Requirements

##### 4-101.1 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

- (1) all applicable provisions of Tennessee law, regulations, or policy;
- (2) any zoning ordinance, any building and housing codes, and all other applicable laws or policies of the governing body;
- (3) the adopted general plan and major road or streets (public way) plan;
- (4) the rules of the county health department and the Tennessee Department of Environment and Conservation;
- (5) the rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a nonlocal highway; and
- (6) the standards and regulations adopted by all other boards, commissions, and agencies of the governing body, where applicable.
- (7) the completion of the Developer's Agreement, as required by Subsection 2-104.1, Subpart (9) and Subsection 3-101.8, shall be sufficient to assure construction of the following: **(Amended by Resolution, September 8, 2005)**
  - (a) all off-site improvements required to service the development.
  - (b) all on-site improvements located within the section of the project contained within the construction plans, including improvements that are required to serve future portions of the development not contained within such plans.

- (c) all improvements required to serve the lots shown on the plan that are not constructed and offered for public acceptance prior to, or concurrently with, submittal of final plats covering such lots.

The Developer's Agreement and accompanying surety shall be approved by all parties prior to signing or filing of any final plat.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Section 1-104, of these regulations.

#### **4-101.2 Self-Imposed Restrictions**

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any zoning ordinance or these regulations, such restrictions or reference thereto shall be recorded with the county register on a separate form, along with the final subdivision plat.

#### **4-101.3 Monuments**

The subdivider shall place permanent, nondegradable, reference monuments on the subdivision as required herein and as approved by a licensed surveyor. (See monumentation certificate in Subsection 5-104.3, herein). Monuments shall be located and set as follows:

- A. Control Monuments - In subdivisions located on existing public ways (where new public streets will not be constructed) two permanent monuments shall be placed along such public ways at the external frontage perimeter points of the lots being subdivided.
- B. Control Monuments - One permanent control monument, both vertical and horizontal, shall be placed within each subdivision where roads are to be constructed. Such monuments shall have horizontal coordinates and vertical elevations shown on the final plat. The monument shall be placed to third order accuracy or better using the U.S. Coast and Geodetic (USC&GS) Sea Level Datum of 1929, for vertical control and the 1983 North American Datum Coordinates for Geodetic Control Diagram Areas, for horizontal control as published by the U.S. Department of Commerce. Control monuments shall be located within the dedicated right-of-way near the entrance to the subdivision and, if possible, in a non-fill area or be affixed to a natural rock outcrop. The location shall be described on the final plat with words and symbols making it easy to locate at the site. The monument shall have azimuth information provided either to a second monument or a substitute such as an antennae, church spire or to natural object of which disturbance is unlikely.

**NOTE: It is recommended that field connection (ties) be made to the control points from the above mentioned datum, when the datum is within a**

**reasonable distance (2,000') of the subdivision, otherwise, the plat shall have a note stating what control datum was used.**

- D. All monuments shall be made stone or concrete not less than four (4) feet in length; not less than four (4) inches square or five (5) inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be; monumented in the field by like monuments as described above. All lot corners not falling on any of the above described points shall be marked by iron rods, pipe, or pins at least eighteen (18) inches long and five-eighth inch in diameter. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and five-eighth inch in diameter or by round or square iron bars at least eighteen (18) inches long.

#### **4-101.4 Character of the Land**

Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of any staff assistant serving the planning commission and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger.

Where protection against flood damage is necessary, in the opinion of the planning commission, flood-damage protection techniques may include, as deemed appropriate by the planning commission:

- (1) the imposition of any surety and deed restrictions enforceable by the planning commission to regulate the future type and design of uses within the flood prone areas; and
- (2) flood-protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway.
- (3) installation of flood warning systems.
- (4) the use of fill, dikes, levees, and other protective measures.
- (5) the use of flood-proofing measures, which may include:
  - (a) anchorage to resist flotation and lateral movement.

- (b) installation of watertight doors, bulkheads, shutters, or other similar methods of closure.

- (c) reinforcement of walls to resist water pressures.
- (d) use of paints, membranes, or mortars to reduce seepage through walls.
- (e) addition of mass or weight to structures to resist flotation.
- (f) installation of pumps to lower water levels in structures.
- (g) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
- (h) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
- (i) building design and construction to resist rupture or collapse caused by water pressure of floating debris.
- (j) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwater into buildings or structures.
- (k) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.
- (l) location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood-protection methods formulated by the subdivider or his agent shall be determined by the planning commission, which shall be guided by the policies set forth in Sections 1-104 and 2-101.4, of these regulations.

#### **4-101.5 Subdivision Name**

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The planning commission shall have authority to designate the name of the subdivision which shall be determined at sketch or preliminary plat approval.

## **4-102 Lot Requirements**

### **4-102.1 Lot Arrangement**

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in securing building permits to build on all lots in compliance with any zoning ordinance and state and county public health department regulations and in providing driveway access to buildings on such lots from an approved public way.

Where a reasonably feasible lot arrangement shall be such that building sites will afford maximum utilization of energy conservation measures, such as providing for solar access purposes.

Where a lot in any flood prone area must be improved to provide a building site free from flooding, such improvements shall be made outside the floodway by elevation or fill to at least one foot above the regulatory flood protection elevation (one hundred-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

In nonresidential building sites outside a floodway but subject to flooding, the use of structural flood-proofing methods specified in Subsection 4-101.4, of these regulations, as an alternative to landfill, may be approved by the planning commission, as provided in Subsection 2-101.4, of these regulations.

### **4-102.2 Lot Dimensions**

Lot dimensions shall comply with the minimum standards of any zoning ordinance, where applicable. Where lots are more than double the minimum area required by any zoning ordinance, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with any zoning ordinance and these regulations. Where solar access is a primary consideration, side lot lines shall generally run from due north to due south, regardless of the resulting angle of incidence with a public way. A variation of up to twenty-five (25) degrees east or west of this axis is permitted; further variations may be allowed, but only to provide a better public way or lot plan.

Dimensions of the corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback requirements from both public way rights-of-way.

In no case shall any subdivided lot have a greater width to depth ratios than "one to four" (1:4); therefore the average depth of the lot shall be no greater than 4 times the average width of said lot, with the exception of lots fronting cul-de-sac turn arounds areas. Lots that

front cul-de-sac turn arounds shall have no greater width to depth ratios than "one to five" (1:5) as measured along the average widths and depths of said lots. Moreover, depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, and as established within the zoning ordinance.

Where no zoning ordinance is in effect, and public sewerage is not available (as determined by the planning commission), the minimum lot area shall be twenty thousand (20,000) square feet; it shall be larger than the minimum, if required by local health authority.

**4-102.3 Building Setback Lines**

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

<b><u>Voltage of Line</u></b>	<b><u>Building Setback</u></b>
46 KV	37 1/2 feet
69 KV	50 feet
161 KV	75 feet

**4-102.4 Double Frontage Lots and Access to Lots**

**4-102.401 Double Frontage Lots**

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation.

**4-102.402 Access from Arterial or Collector Public Ways**

The planning commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways may be necessary for several adjoining lots, the planning commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector public ways.

**4-102.5 Soil Preservation, Grading, Erosion Control, and Seeding**

**4-102.501 Soil Preservation and Final Grading**

No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved construction plan.

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide cover on the lots, cover between any sidewalks and curbs, and be stabilized by seeding or planting.

#### **4-102.502 Lot Drainage**

Lots shall be laid out so as to provide positive drainage away from all buildings; individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

#### **4-102.6 Debris and Waste**

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or public way at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

#### **4-102.7 Fencing**

Each subdivider or developer shall be required to furnish and install all fences wherever the planning commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the planning commission, as appropriate, and shall be noted on the final plat as to height and required materials. No certificate of occupancy shall be issued for any affected lot until such fence improvements have been installed.

#### **4-102.8 Water Bodies and Watercourses**

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The planning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

No more than ten (10) percent of the minimum area of a lot required under any zoning ordinance may be satisfied by land which is under water. Where a watercourse separates a buildable area of a lots from the public way by which it has access, provisions shall be made for installation of culvert or other structure approved by the planning commission and no certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the planning commission and/or the appropriate governmental representative.

## **4-103 Public Ways**

### **4-103.1 General Requirements**

#### **4-103.101 Frontage on Improved Public Ways**

No subdivision shall be approved unless the area to be subdivided shall meet the requirements for access set forth in Subsection 1-112.107, of these regulations. If any new street construction or improvements are involved, such shall be approved and, where public dedicated as provided in Articles 2 and 3 of these regulations. Any such public way must be suitably improved to the standards required by this article or be bonded by a performance bond required under these regulations, with the roadway and right-of-way widths required by this article or the major street or road plan.

#### **4-103.102 Grading and Improvement Plan**

Public ways shall be graded and improved to conform to the standards required by this section and shall be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No surface shall be applied to the base of any proposed public way prior to the approval of the final plat of the subdivision or of the final approval of any section of the subdivision in question without having been properly inspected.

#### **4-103.103 Improvements in Floodable Areas**

The finished elevation of proposed public ways subject to flood shall be no less than one (1) foot above the regulatory flood protection elevation. The planning commission may require profiles and elevations of public ways to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

#### **4-103.104 Topography and Arrangement**

- (1) All public ways shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in Subsection 4-103.2, of these regulations.
- (2) The use of public ways running in a east-west direction and lots on a north-south axis is encouraged for energy conservation of developments.

- (3) All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the major street or road plan or the land development plan.
- (4) All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
- (5) Minor public ways shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to property.
- (6) The use of curvilinear streets, cul-de-sac, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (7) Proposed public ways shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the planning commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.
- (8) In business and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

#### **4-103.105 Blocks**

- (1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public ways, railroads, or waterways.
- (2) The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - (a) provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - (b) any zoning requirements as to lot sizes and dimensions;
  - (c) needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and



- (d) limitations and opportunities of topography.
- (3) Block lengths in residential areas shall not exceed sixteen hundred (1,600) feet nor be less than two hundred (200) feet, except as the planning commission deems necessary to secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than one thousand (1,000) feet in length.
- (4) Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the planning commission.
- (5) In any long block, the planning commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

A pedestrian walkway, not less than ten (10) feet wide, may be required by the planning commission through the approximate center of any block more than eight hundred (800) feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility.

#### **4-103.106 Access to Arterials and Collectors**

Where a subdivision borders on or contains an existing or proposed arterial or collector route, the planning commission may require that access to such public way be limited by:

- (1) the subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route;
- (2) a series of cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way, with the rear lines of their terminal lots backing onto the arterial or collector route; or
- (3) a marginal access or service public way, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points.

The number of residential or local public ways entering on arterial or collector routes shall be kept to a minimum.

#### **4-103.107 Reserve Strips**

The creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way shall generally not be permitted.

However, in extraordinary circumstances the planning commission may allow creation of a reserve strip to enable a more appropriate pattern of lots or public ways. Where such is created the planning commission must agree to any and all future depositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto.

#### **4-103.108 Arrangement of Continuing and Dead-End Public Ways**

- (1) Arrangement of Continuing Public Ways -- The arrangement of public ways shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provisions of utilities, and when such continuation is in accordance with the major street or road plan. If the adjacent property is undeveloped and the public way must be a dead-end public way temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-, or L-shaped turnabout shall be provided on all temporary dead-end public ways as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal public way right-of-way shall revert to abutting property owners whenever the public way is continued.

The planning commission may limit the length of temporary dead-end public ways in accordance with the design standards of these regulations.

- (2) Dead-End Public Ways -- Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general, be limited in length in accordance with the design standards of these regulations.

#### **4-103.109 Construction Access Ways**

Every effort shall be made by subdivision developers and contractors to utilize temporary, alternative construction entrances during the construction phase(s). Such access ways shall be exclusive of any public way(s) serving such subdivision(s). All vehicles involved in the development and construction of the respective subdivision(s) shall enter and exit such subdivision(s) strictly by way of the designated construction entrance(s). It shall be the responsibility of the planning commission to designate the location and number of such construction access route(s) servicing said subdivision(s). Furthermore, it shall be the prerogative of the planning commission to decide which subdivision(s) will be required to utilize separate construction entrances. Such entrance(s) shall be specifically located on all preliminary plats and identified as such. The establishment and utilization of construction access ways does not in any way exempt the subdivision owner/developer from the posting of performance bonds, maintenance bonds or letters of credit as stipulated in Sections 3-101.2 and 3-103, of these regulations.

Wherever access ways for construction vehicles intersect paved public roads, provisions must be made to minimize the transport of sediment (mud) by runoff or vehicles tracking onto paved surface by clearing the area at the entrance of all vegetation, roots, and other objectionable material and placing a gravel layer at least 6-inches thick for a minimum of fifty (50) feet from the edge of the hard surface public road. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

#### **4-103.2 Design Standards**

##### **4.103.201 Purpose**

In order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, the public way design standards set forth in this section are hereby required. (Public way classification shall be as indicated on the land development plan or major street or road plan; otherwise, the public way shall be classified by the planning commission according to the definitions in Article 6, of these regulations.)

##### **4-103.202 General Design**

The general design of all public ways shall conform to the standards in the table on the following pages.



## GENERAL DESIGN STANDARDS FOR PUBLIC WAYS

<b>IMPROVEMENT</b>	<b>RESIDENTIAL PUBLIC WAY</b>	<b>NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL: OTHER)</b>
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Minimum Right-of-Way Width (In Feet)

Minor	50	50
Collector	56	56 or (See * Below)
Arterial	*	

Minimum Width of Roadway or Paved Area (In Feet) Not Including Parking Requirements

Minor	20	24
Collector	22	24
Arterial	24 or (See * Below)	36 or (See * Below)

Maximum Percentage Grade

Minor	12	10
Collector	10	7
Arterial	7	6

Pavement Crown

The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side 2/5ths of an inch per foot.

Minimum Center Line Radius of Curve (In Feet)\*\*

Minor	100	200
Collector	250	250
Arterial	500	500

Minimum Length of Vertical Curves

Minor	100 feet, but not less than 10 feet for each algebraic difference in grade.
Collector	100 feet, but not less than 20 feet for each algebraic difference in grade.
Arterial	300 feet, but not less than 50 feet for each algebraic difference in grade.

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\* **As determined by appropriate governmental representative.**

\*\* **Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.**

**GENERAL DESIGN STANDARDS FOR PUBLIC WAYS (Continued)**

<b>IMPROVEMENT</b>	<b>RESIDENTIAL PUBLIC WAY</b>	<b>NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL: OTHER)</b>
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Minimum Length of Tangents Between Reverse Curves (In Feet)

Minor	100	200
Collector	100	200
Arterial	300	400

Minimum Sight Distance (In Feet)\*

Minor	200	250
Collector	240	250
Arterial	300	400
Intersection	Across Corners-- 75 feet back	Across Corners-- 75 feet back

Minimum Turnaround on Cul-de-sacs on Minor Public Ways (In Feet)

Right-of-way Diameter	100	110**	160
Pavement Diameter	80	90	140

Length of Cul-de-sac

Permanent     Serving no more than 26 dwelling units and not exceeding 1,500 feet in length.

Temporary     Serving no more than 26 dwelling units and not exceeding 1,500 feet in length.

Minimum Radius (In Feet) of Return at Intersections

At Right-of-way	25	30
At Pavement	30	50

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\* **The sight distance is measured from a point 4 1/2 feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface.**

\*\* **On any residential Cul-de-sac longer than 600 feet the turnaround dimension shall be increased to comply with the requirements.**

#### **4-103.203 Intersections**

- (1) Public ways shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique public way should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) public ways shall intersect at any one point unless specifically approved by the planning commission.
- (2) Proposed new intersections along one side of an existing public way shall coincide, wherever practicable, with any existing intersections on the opposite side of such public way. Jogs within public ways having center line offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector public ways shall be at least eight hundred (800) feet apart.
- (3) Minimum curb radius at the intersection of two (2) minor public ways shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector public way shall be thirty (30) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (4) Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate site distance.
- (5) Intersection shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting public way.
- (6) The cross-slope on all public ways, including intersections, shall be three (3) percent or less.

#### **4-103.204 Excess Right-of-Way**

A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less than three to one. Where solid rock is encountered slopes shall be one-half to one.

#### **4-103.205 Railroads and Limited Access Highways**

Railroad right-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- (1) In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."
- (2) In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (3) Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

#### **4-103.206 Bridges**

Bridges of primary benefit to the subdivider, as determined by the planning commission, shall be constructed at the full expense of the subdivider without reimbursement from the governing body. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the planning commission, shall be fixed by special agreement between the governing body and the subdivider. The cost shall be charged to the subdivider pro rata as to the percentage of his development so served.

#### **4-103.3 Right-of-Way Width Dedication on Existing Public Ways**

Where a subdivision adjoins an existing narrow public way or where the major street or road plan or any zoning setback provisions indicate plans for realignment or widening of a public way that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such public way as set forth below:

- (1) the entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing public way; or
- (2) when the subdivision is located on only one side of an existing public way, one-half of the required right-of-way, measured from the center line of the existing pavement, shall be provided.

#### **4-103.4 Public Way Surfacing and Improvements**

After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until final approval of the subdivision plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be according to the specifications of the governing body, but in no event shall such construction be below the construction specifications set forth in Appendix A, of these regulations. Adequate provisions shall be made for culverts or other drains, and bridges, as required.

All public way pavements, shoulders, drainage improvements and structures, any curb turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the planning commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

#### **4-104 Road Construction Specifications**

The road construction specifications are included in these regulations as Appendix A, and are adopted as a part hereof. These specifications shall be the minimum standards for any subdivision within the jurisdictional area.

#### **4-105 Drainage and Storm Sewers**

##### **4-105.1 General Requirements**

The planning commission shall not approve any plat of a subdivision which does not make adequate provisions for stormwater or floodwater run-off channels or basins. The stormwater drainage system shall be separate and independent from any sanitary sewer system.

##### **4-105.2 Nature of Stormwater Facilities**

###### **4-105.201 Location**

The subdivider may be required by the planning commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities shall be located in the public way right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.

###### **4-105.202 Accessibility to Public Storm Sewers**

- (1) Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the

specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. Inspection of facilities shall be conducted by the enforcing officer.

- (2) If a connection to a public storm sewer will be provided eventually, as determined by the planning commission, the subdivider shall make arrangements for future stormwater disposal by a public system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the final subdivision plat.

#### **4-105.203 Accommodation of Upstream Drainage Areas**

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning ordinance.

#### **4-105.204 Effect on Downstream Drainage Areas**

The governing body also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the planning commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

#### **4-105.205 Areas of Poor Drainage**

Whenever a plat is submitted for an area which is subject to flooding, the planning commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place all public way elevations to the level of the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation. At a minimum, all lots within the 100 year floodplain shall be filled to the regulatory elevation extending twenty-five (25) feet beyond the foot print of the principal structures thereon. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the planning commission based upon the review specified in Subsection 2-103.2, of these regulations and the submission of flood data in construction plans as specified in Section 5-103, of these regulations.

#### **4-105.206 Floodplain Areas**

The planning commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains flood prone land shall be subject to the special provisions set forth in Sections 2-101.4; 4-101.4; 4-104; and 4-105.2, of these regulations.

#### **4-105.3 Dedication of Drainage Easements**

##### **4-105.301 General Requirements**

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainageways are utilized they shall be designed for the twenty-five (25) year frequency flood.

##### **4-105.302 Drainage Easements**

- (1) Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a public way right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.
- (2) When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (3) The applicant shall dedicate, when required by the planning commission, either in fee, or by drainage or conservation easement, the land on both side of an existing watercourse to a distance to be determined by the planning commission.
- (4) Along watercourses, low-lying lands within any floodway, as determined by the planning commission pursuant to Section 2-103, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

#### **4-105.303 Ditching, Concrete Ditch Paving, Culverts and Storm Drains**

The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. The design and construction details of all such facilities shall be approved by the appropriate governmental representative. (See Appendix A, Section III, E, 5, for details).

### **4-106 Water Facilities**

#### **4-106.1 General Requirements**

- (1) Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection in all cases, other than in certain prescribed conditions as outlined in the R1A, Zoning District, as follows: The installation of servicing fire hydrants shall only be required in all 1 and 2 lot subdivisions within R1A, Zoning Districts, whenever a six (6) inch water line is located within 500 feet of the boundary of any such subdivision. However, all subdivisions of over 2 lots in the R1A, Zoning District shall be served by a public water supply system.
- (2) All water facilities including fire hydrants shall be subject to the construction standards, material specifications, approval of the governing body, the Tennessee Department of Environment and Conservation as well as these regulations.
- (3) Where required for fire protection water mains shall not be less than six (6) inches in diameter; where water mains are not to be utilized for fire protection, the planning commission may approve smaller lines, as necessary, to meet potable water demand.
- (4) All water systems, whether public or private, located in a flood prone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

#### **4-106.2 Fire Hydrants**

Fire hydrants shall be required in all subdivisions as per Subsection 4-106.1; they shall be located no more than one thousand (1,000) feet apart by road and be within five hundred (500) feet of all residential, commercial, or industrial building envelopes or structures, whichever is applicable. This distance shall be measured by road or street. However, the planning commission may require closer spacing where physical conditions or types of structures so warrant. To eliminate future public way butting or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any construction plans approved and/or, final paving of a public way shown on the subdivision plat, unless otherwise approved by the planning commission.



## **4-107 Sewage Facilities**

### **4-107.1 General Requirements**

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

### **4-107.2 Mandatory Connection to Public Sewer System**

- (1) When public sanitary sewers are within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall provide sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers which meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation.
- (2) All sanitary sewer facilities located in a flood hazard area shall be flood-proofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

### **4-107.3 Individual Disposal System Requirements**

If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in these regulations; all pertinent soil absorption tests shall be made as directed by the county environmentalist and the results submitted to the county health department for approval.

The individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device shall be located on the same platted lot as the principal structure serviced by said individual system, and shall also be approved by the county health department.

The planning commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics. The planning commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

### **4-107.4 Design Criteria for Sanitary Sewers**

#### **4-107.401 General**

These design criteria are not intended to cover extraordinary situations. Deviations can be allowed and may be required in those instances where considered justified by the planning commission.

**4-107.402 Design Factors**

Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration may be given to any current zoning regulations and approved planning reports, where applicable. Sewer capacities shall be adequate to accommodate the anticipated maximum hourly quantity of sewage and industrial wastes, together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria.

These design factors shall apply to watersheds of three hundred (300) acres or less. Design factors for watersheds larger than three hundred (300) acres and smaller than one thousand (1,000) acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of three hundred (300) acres to a design factor of 0.01 c.f.s. per acre for an area of one thousand (1,000) acres, unless otherwise directed by appropriate governmental representative. Design factors for watersheds larger than one thousand (1,000) acres shall be 0.01 c.f.s. per acre unless otherwise directed.

All sanitary sewer materials shall be A.S.T.M. and/or A.W.W.A. approved.

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**SEWER DESIGN FLOWS**

**Building Type**

One and Two Family Dwellings ..... 0.02 cubic feet per second (c.f.s. per acre)

Apartments

One and Two Story ..... 0.02 c.f.s. per acre

Three through Six Story ..... 0.03 c.f.s. per acre

Commercial

Small Stores, Offices and

Miscellaneous Business ..... 0.02 c.f.s. per acre

Shopping Centers ..... 0.02 c.f.s. per acre

Industrial ..... As initially determined by appropriate governmental representative

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#### **4-108 Pedestrian Ways**

##### **4-108.1 Sidewalks and Bicycle Paths**

Sidewalks and bicycle paths, where required by the planning commission, shall be included within the dedicated nonpavement right-of-way of all public ways as indicated in the following table and shall be improved as required by Subsection 4-103.4, of these regulations. Concrete curbs are required for all public ways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

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#### **SIDEWALK DESIGN**

##### **Class of Street**

##### **Sidewalk Width**

	<u>Residential Public Way</u>	<u>Nonresidential Public Way (Industrial, Commercial)</u>
<u>Other)</u>		
Minor Public Way	4 feet wide	6 feet wide
Collector Public Way	5 feet wide	6 feet wide
Arterial Public Way	5 feet wide	6 feet wide

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##### **4-108.2 Pedestrian Accesses**

The planning commission may require, in order to facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

#### **4-109 Utility Easements**

- (1) Easements down rear lot lines or additionally across lots, if deemed necessary by the planning commission, shall be provided for utilities (private or public). Such easements shall be at least ten (10) feet wide except for across-lot easements which shall be at least twenty (20) feet wide. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development.
- (2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least ten (10) feet in

width shall be provided along side lot lines with satisfactory access to public ways or rear lot lines. Easements shall be indicated on the plat.

- (3) Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.
- (4) Easements for septic system maintenance and repair shall be required on all lots containing septic tanks. Such easements shall be at least two (2) feet in width on all sides of the septic tank, and an area five (5) feet in width on either side of the discharge pipe from the septic tank to a sewer main shall be provided as an easement. These shall be indicated on the plat.

#### **4-110 Public Uses**

##### **4-110.1 Plat to Provide for Public Uses**

Whenever a tract to be subdivided includes a school, recreation use, a portion of a major public way, or other public use, as indicated on the land development plan and/or major street or road plan, or any portion thereof, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the planning commission.

After proper determination of its necessity by the planning commission and the appropriate governmental representative(s) involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the developer into the plat prior to final approval by the planning commission and recording of the plat.

##### **4-110.2 Referral to the Governmental Agency Concerned**

The planning commission shall refer any plat presented in accordance with Subsection 4-110.1, to the governmental agency concerned with acquisition of the land. The planning commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency thirty (30) days for reply.

Among the areas which the planning commission may propose for public acquisition, when the commission deems it appropriate and consistent with the policies and purposes set forth in these regulations, is any land within a floodway or floodway fringe determined according to the procedure outlined herein.

The acquiring agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

##### **4-110.3 Notice to Property Owner**

Upon receipt of an affirmative report, the planning commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency. Upon such designation by the planning commission, any reserved

portion of any floodway or floodway fringe shall not be altered from its natural state by the developer in any manner whatsoever, except upon written approval of the planning commission.

#### **4-110.4 Duration of Land Reservation**

The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed twenty four (24) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

#### **4-111 Preservation of Natural Features and Amenities**

Existing features which would add value to residential development or to the area as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the planning commission. No change of grade of the land shall be affected nor shall any natural features be removed or relocated until a preliminary subdivision plat has been approved by the planning commission.

#### **4-112 Nonresidential Subdivisions**

##### **4-112.1 General**

If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the planning commission may require. A nonresidential subdivision also shall be subject to all the requirements of site plan approval set forth in any zoning ordinance. Site plan approval may proceed simultaneously at the discretion of the planning commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards set forth by the planning commission, and shall conform to the proposed land development plan, major street or road plan, and any zoning ordinance.

##### **4-112.2 Standards**

In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated;

- (2) public way rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated;

- (3) special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications;
- (4) special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and stormwater drainage;
- (5) every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and
- (6) public ways carrying nonresidential traffic, especially truck, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

## **ARTICLE 5**

### **SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED**

#### **5-101 Sketch Plat**

##### **5-101.1 General**

Sketch plats submitted to the planning commission, prepared in pen or pencil, shall be drawn to a convenient scale no smaller than one hundred (100) feet to an inch.

##### **5-101.2 Features**

The sketch plat shall show:

- (1) a scale drawing of the property and the names of the owners of adjoining property;
- (2) size of the original tract(s) being subdivided;
- (3) Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
- (4) approximate topography of the site, at no more than five (5) foot intervals, extended into adjacent properties;
- (5) any areas which may be affected by flooding;
- (6) general public way and lot patterns;
- (7) proposed phasing, if any;
- (8) vicinity map of property;
- (9) date and approximate north point;
- (10) name of owner;
- (11) name of plat designer; and
- (12) zoning classification.

## **5-102 Preliminary Plat**

### **5-102.1 General**

The preliminary plat shall be prepared by a surveyor, landscape architect, architect, land planner, or engineer engaged in the practice of civil engineering, at a convenient scale no smaller than one hundred (100) feet to an inch. The plat may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The map prepared for the preliminary plat may be used for the final subdivision plat and should be permanently reproducible. Preparation in pencil would make required changes and additions easier.

### **5-102.2 Features**

The preliminary plat shall include:

- (1) the location of the property to be subdivided with respect to surrounding property(s) and public way(s);
- (2) the names of all adjoining property owners of record, or the names of adjoining developments;
- (3) the names of adjoining public ways;
- (4) the location and dimensions of all boundary lines of the property, figured to the nearest hundredth of a foot;
- (5) the location of existing public ways, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges, as determined by the planning commission;
- (6) the location and width of all existing and proposed easements, alleys, and other public ways, and building setback lines;
- (7) the location, dimension, and area of all proposed or existing lots;
- (8) the position of all existing or proposed buildings within proposed condominium developments;
- (9) the location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
- (10) the limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined by the planning commission;

- (11) the name and address of the owner(s) of land to be subdivided, the subdivider if other than the owner, and the land surveyor or other person preparing the plat;
- (12) the date of the plat, approximate true north point, scale, and title of the subdivision;
- (13) sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines within the area to be subdivided;
- (14) name of the subdivision and all new public ways, as approved by the planning commission;
- (15) the zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider;
- (16) the distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing public ways and to the original corner of the original survey of which it is a part;
- (17) key map showing relation of the subdivision to all public ways, railroads, and water courses in all directions to a distance of at least one-half (suggested scale: one inch to one thousand (1,000) feet);
- (18) contours at vertical intervals of not more than two (2) feet where the proposed subdivision has an average slope of five percent (5%) or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five percent (5%) (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission);
- (19) map parcel numbers as recorded on the land tax maps of the county;
- (20) The following notations:
  - (a) explanation of drainage easements;
  - (b) explanation of site easements;
  - (c) explanation of reservations; and
  - (d) for any lot where public sewer or water systems are not available, the following:

- (i) areas to be used for sewage disposal and their percolation results, or if the planning commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
  - (ii) water wells (existing and proposed); and
  - (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features;
- (21) the approximate location of existing and proposed water and sewer lines and their respective sizes, as well as the location of all existing and proposed fire hydrants.
  - (22) draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions; and
  - (23) a form for endorsement of planning commission approval of the preliminary plat which shall read as follows:

Approved by the \_\_\_\_\_ Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on \_\_\_\_\_ date.

Preliminary plat approval shall not constitute final approval for recording purposes.

## **5-103 Construction Plans**

### **5-103.1 General**

Construction plans shall be prepared for all improvements required by these regulations. Plans shall be drawn at a scale of no more than fifty (50) feet to an inch. Plans shall be in compliance with the specifications in Article 4 of these regulations. Approval of plans must precede actual construction, and no final plat shall be considered by the planning commission until the required plans have been approved by the City Engineer. The construction plans shall be prepared and stamped by a licensed engineer engaged in the practice of civil engineering.

### **5-103.2 Features**

The following shall be shown on the construction plans.

- (1) Profiles showing existing and proposed elevations along center lines of all public ways.

- (2) Where a proposed road intersects an existing public way and ways, the elevation along the center line of the existing public way within one hundred (100) feet of the intersection.
- (3) Approximate radii of all curves, lengths of tangents, and central angles on all public ways.
- (4) Proposed public ways, as required by the planning commission; where such are required, horizontal stationing shall be at fifty (50) foot intervals and cross-sectional elevations shall be to an accuracy of one tenth foot vertical on a line at right angles to the center line of the public way at the following points: the center line of the public way, each property line, and points twenty-five (25) feet inside each property line.
- (5) Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins.
- (6) The location of public way signs.
- (7) The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility system.
- (8) Exact location and size of all water, gas, or other underground utilities or structures.
- (9) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing public ways, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, and features noted on the land development plan or major street or road plan.
- (10) The water elevations of adjoining lakes or streams and the approximate high- and low-water elevations of such lakes or streams shall be shown. All elevations shall be referred to the U.S.G.S. datum plane.
- (11) If the subdivision borders a lake, river, or stream, the distance and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
- (12) The developer shall prepare for any portion of a subdivision containing a flood prone area, or an area known to be subject to flooding, information necessary for the planning commission to determine the suitability of the particular site for the proposed development, as follows:

- (a) plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of any part of the subdivision within a flood prone area; existing or proposed structures or building sites, fill, storage of materials and flood proofing measures, as specified in these regulations; and the relationship of the above to the location of the stream channel, floodway, floodway fringe, the regulatory flood elevation, and the regulatory flood protection elevation;
  - (b) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information, if required by the planning commission;
  - (c) surface-view plans showing elevations and contours of the ground;
  - (d) pertinent structures, fill, or elevations of public ways;
  - (e) water supply, sanitary facilities, soil types, and other pertinent information, as required by the planning commission; and
  - (f) specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities.
- (13) Contours at the same vertical interval as on the preliminary plat.
  - (14) In addition to the other requirements of this section, construction plans for all subdivisions shall contain "as built" drawings of all underground utilities, regardless of proposed ownership, and the construction design of all public facilities which are proposed for dedication to the governing body.
  - (15) A notation of construction plans approval by appropriate persons or governmental representatives.
  - (16) Title, name, address, stamp and signature of engineer who prepared the plans.
  - (17) Date of plans, including any revision dates.

## **5-104 Final Subdivision Plat**

### **5-104.1 General**

The final subdivision plat shall be prepared on transparent drafting material at a scale one hundred (100) feet to the inch, but no smaller than two hundred (200) feet to the inch on sheets of county register plat book size. The use of an appropriate smaller scale may be

permitted for lots larger than two acres. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence.

Construction plans, as described in Section 5-103, of these regulations, shall have been approved prior to planning commission approval of the final subdivision plat.

**5-104.2 Features**

The final plat shall include:

- (1) The location of the property to be subdivided with respect to surrounding property(s) and public ways.
- (2) The names of all adjoining property owners of record or the names of adjoining developments.
- (3) The names of adjoining public ways.
- (4) The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest-minute and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code Annotated, for the category of survey required by these regulations. The category of survey shall be determined according to the average size of lots (see Table below) within the proposed subdivision.

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**ACCURACY OF SURVEYS**

Category I	-	1 Acre or Less	-	Urban and Subdivision
Category II	-	Greater Than 1 Acre	-	Suburban and Subdivision
Category III	-	10 Acres or More	-	All Other Surveys

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**NOTE: Surveys must meet the minimum accuracy requirements provided above for the category (I, II, or III, as defined above) must be determined by the surveyor to the best of his knowledge and belief at the time of the survey. Nothing in this rule shall preclude a surveyor from using a greater degree of accuracy than that required as a minimum for any category provided above.**

**A distance and bearing shall be provided which will link a point on the boundary of the subdivision to a monument in the right-of-way of the nearest prominent public way intersection.**

- (5) The location of all public ways, easements, water bodies, large streams or rivers, railroads, parks, and cemeteries.
- (6) The limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation; as determined by the planning commission.
- (7) The location and width of all easements and rights-of-way for public ways, as well as the building setback lines on all lots.
- (8) The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot.
- (9) The location, area, and dimensions, to the accuracy set forth in Item 8, above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (10) The final plat of a condominium subdivision shall contain, in addition to the other information required by this section:
  - (a) an "as-built" building location and boundary survey, to "American Land Title Association" or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;
  - (b) some sort of datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement; and
  - (c) copies of deed covenants, the charter and by-laws of any Homeowners' Association established; and special information which the planning commission may require to protect the rights of future owners of the condominium or the public in general.
- (11) The name and address of the owner(s) of the land being subdivided.
- (12) The name and address of the subdivider if other than the owner.

- (13) The name of the land surveyor or other person preparing the plat.
- (14) The date of the plat, approximate true north point, scale, and title of the subdivision.
- (15) Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.
- (16) The names of all public ways.
- (17) The zoning classification of all lots, as well as an indication of uses other than residential proposed by the subdivider.
- (18) The total acreage within the subdivision.
- (19) Lot numbers, where required.
- (20) The line size and location of water and sewer facilities.
- (21) The location of all fire hydrants.
- (22) The diameter and width of all driveway culverts.
- (23) For any lot where public sewer or water system is not available, the following shall be shown:
  - (a) areas to be used for sewage disposal; and
  - (b) water wells (existing and proposed).
- (24) Applicable certifications in the form reproduced in this section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the planning commission's approval for recording shall appear unsigned at the time of application for approval.
- (25) State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable; also, actual design plans for filing in appropriate governmental representative's office.



- (c) Certification by appropriate governmental or quasi-governmental official(s) that sewage disposal and/or water system(s) has/have been installed.

**CERTIFICATE OF APPROVAL OF WATER SYSTEM**

I hereby certify that the water system(s) outlined or indicated on the final subdivision plat entitled, \_\_\_\_\_ has/have been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title and Agency or Authorized  
Approving Agent

**CERTIFICATE OF APPROVAL OF PUBLIC SEWER SYSTEM**

I hereby certify that the sewer system(s) outlined or indicated on the final subdivision plat entitled, \_\_\_\_\_, installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title and Agency or  
Authorized Approving Agent

**CERTIFICATE OF APPROVAL  
PRIVATE SUBSURFACE SEWAGE DISPOSAL**

General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions.

Before the initiation of construction, the location of the house or other structures and plans for the subsurface sewage disposal system shall be approved by the local health authority.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Local Health Authority

- (d) Certification on the final plat by appropriate governmental representative that the subdivider has complied with one of the following:
- (i) installation of all public way improvements in accordance with the requirements of these regulations; or
  - (ii) in lieu of compliance with subdivision improvement requirements, certification that surety has been posted by the subdivider in an amount approved by appropriate governmental representative to guarantee completion of all improvements.

**CERTIFICATE OF APPROVAL OF  
PUBLIC WAYS FOR BOND POSTING**

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the City of Kingston Springs Subdivision Regulations, or (2) that a performance bond or other surety has been posted with the planning commission to guarantee completion of all required improvements in case of default.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Appropriate Governmental Representative

- (e) For a subdivision containing common open space or facilities, certification on the final plat of dedication of common areas in accordance with procedures established in these regulations.

**CERTIFICATION OF COMMON AREAS DEDICATION**

\_\_\_\_\_ in recording this plat has designated certain areas of land shown hereon as common areas intended for use by the homeowners within \_\_\_\_\_ for recreation and related activities.

(Name of Subdivision)

The above described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision.

"Declaration of Covenants and Restrictions," applicable to the above named subdivision, is hereby incorporated and made a part of this plat.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Owner



- (f) Certification on the final plat of planning commission approval for recording of the plat.

**CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the subdivisions plat shown hereon has been found to comply with the \_\_\_\_\_ Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the planning commission, and that it has been approved for recording in the Office of the County Register.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Planning Commission

- (g) Certification showing that the required concrete markers or monuments have been installed according to the requirements of these regulations.

**CERTIFICATE OF INSTALLATION OF  
THE CONCRETE MONUMENTS REQUIRED**

We hereby certify that we are the Registered Surveyor(s) of the proposed subdivision known as \_\_\_\_\_, Subdivision No. \_\_\_\_\_ and that the required concrete subdivision markers (monuments) have been placed in conformity with the Final Plat.

Surveyor(s):

Company Name: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

**AFFIX SEAL HERE**

- (h) Certification of irrevocable dedicated of easements for septic tanks and discharge pipes.

**CERTIFICATE OF EASEMENT DEDICATIONS  
CONCERNING SEPTIC TANKS AND DISCHARGE PIPES**

I hereby certify that the irrevocable dedication of the required easements pertaining to the maintenance and repair of septic tanks and discharge pipes are outlined or indicated on the final subdivision plat entitled,

\_\_\_\_\_.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Director of Public Works

- (i) Notation of Possible Flooding -- If any portion of the land being subdivided is subject to flooding as defined in these regulations, a notation shall be made on the plat that development or modification of the land within any floodway delineated within plat is prohibited and that development within floodway fringes delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least the regulatory flood protection elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the planning commission upon development within flood prone areas also shall be indicated on the plat.
- (j) Notation of Health Restrictions -- Any modifications or limitations which may be imposed by the state or county health department shall be clearly indicated on the plat.
- (k) Notation of Private Restrictions -- Private restrictions and trusteeships and their periods of existence shall be indicated on the plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded.
- (l) Notation of Easement Dedications for Septic Systems Maintenance and Repair -- At such time that public sewers are extended into the portion of the Town of Kingston Springs represented by this plat, the septic tanks placed on the lots as shown hereon shall become a part of the Town's sewer system; and the tanks shall be accessible for maintenance and repairs by the Town's sewer department. No structure of any kind can be placed over the septic tank. The final placement of the septic tank and an area two (2) feet wide on all sides of the tank shall be considered an easement for future repairs and maintenance. In addition, the discharge pipe from the septic tank to a sewer main and an area five (5) feet on either side of said discharge pipe shall also be construed as an easement. The

Town of Kingston Springs reserves the right to come onto each respective lot for purposes of repair, maintenance and inspection.

- (m) Notation of Geotechnical Requirements - In all cases where potentially dangerous or damaging geological conditions such as sink holes are present within the boundaries of platted lots as determined by the city engineer, a notation shall be placed on the associated subdivision plat requiring a geotechnical report be prepared by a licensed geotechnical engineer or professional prior to the issuance of a building permit on said lots.
  
- (n) Notation of Traffic Study Preparation - In all cases wherein the planning commission determines that the location and design of any proposed subdivision street accesses and existing city street, and the proposed design of this intersection is inadequate to meet the increased traffic requirements generated by the proposed subdivision or section of the subdivision in question due to the number of lots therein, and/or due to the configuration or nature of the street systems, a traffic study shall be prepared by a licensed traffic engineer, and a notation shall be placed on the final plat requiring the improvements and findings of said traffic study be implemented and constructed prior to final plat approval, or bonded as a part of the certificate of approval of public ways.

**ARTICLE 6**  
**DEFINITIONS**

**6-101 Usage**

- (1) For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- (3) A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

**6-102 Words and Terms Defined**

Alley -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant -- The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Architect -- An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in Tennessee.

Arterial Street or Road -- A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of 3,000.

Block -- A tract of land bounded by public ways or by public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond -- An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

Building -- Any structure built for the support shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes a mobile home.

Capital Improvements Program -- A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Collector Street or Road -- A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from 1,001 to 3,000.

Common Elements -- Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements -- Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Limited Common Elements -- Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under the statute which provides the mechanics and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision -- The subdivision of property through the establishment of a condominium or horizontal property regime.

Condominium Unit -- A space conveyed by separate title and located within a condominium structure.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission.

Contractor -- An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist -- An agent designated to administer local and/or state health regulations.

Cul-de-sac -- A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition include dead end, turn-around, or turn-about.

Design Specifications -- Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer -- The owner of land proposed to be subdivided or his authorized representative.

Dwelling Unit -- A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement -- Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

Enforcing Officer -- The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer -- An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in Tennessee.

Equal Degree of Encroachment -- The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow -- A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the governing body.

External Subdivision Boundary -- All points along the periphery of a subdivision.

Final Subdivision Plat -- The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the planning commission for approval and which, if approved by the commission, is recorded with the county register of deeds.

Flood -- A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency -- The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map -- An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood Prone Area -- The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred years (i.e., that has a one (1) percent chance of being flooded in any year).

Floodplain -- A land area adjoining a river, stream watercourse, bay, or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodplain Management Program -- The overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations, and these subdivision regulations.

Flood Profile -- A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Floodproofing -- Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway -- The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one foot above natural flood levels.

Floodway Encroachment Limits -- The lines marking the limits of floodways on official federal, state, and local floodplain maps.

Floodway Fringe -- The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage -- That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan -- The official statement of the planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections 13-3-301, 13-3-302, and 13-4-102, Tennessee Code Annotated.

Governmental Agency -- Any public body other than the governing body.

Governing Body -- The chief legislative body of any government.

Governmental Representative -- An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade -- The slope of a public way specified in percentage terms.

Highway, Limited Access -- A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the trafficway, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Horizontal Property Act -- "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code Annotated.

Individual Sewage Disposal System -- A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary -- All points within a subdivision which do not constitute external boundaries.

Joint Ownership -- Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area -- Planning boundary established by the Kingston Springs Growth Boundary (Planning Region) and any future annexations.

Land Development Plan -- An element of the general plan which sets out a plan or scheme of future land usage.

Land Surveyor -- A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code Annotated, to practice in Tennessee.

Legal Counsel -- The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot - A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership, or for building development.

Lot, Corner -- A lot situated at the intersection of two (2) public ways.

Lot Improvement -- Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Street or Road -- A public way which is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area.

Major Street or Road Plan -- The plan adopted by the planning commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, "the general location, character, and extent of public ways...(and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Major Subdivision -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Street or Road -- A public way which is not classified as an arterial or collector.

Minor Subdivision -- Any subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities or private facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

National Flood Insurance Program -- A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

Off-Site -- Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood -- A flood having an average frequency of occurrence of once in 100-years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Owner -- Any person, group of persons, firm or firms corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property.

Performance Bond -- See "Bond".

Perimeter Street -- Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission -- A public body established pursuant to Title 13, Chapters 3 and 4, Tennessee Code Annotated, to execute a full planning program within authorized corporate limits and planning region.

Preliminary Plat -- The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the planning commission for approval.

Premise(s) -- A tract of land together with any buildings or structures which may be thereon.

Public Improvement -- Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Way -- Any publicly owned street, alley, sidewalk, or land right-of-way which provides for movement of pedestrians or vehicles.

Reach -- A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flood or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings typically would constitute a reach.

Regulatory Flood -- The one hundred-year flood.

Regulatory Flood Protection Elevation -- The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

Resubdivision -- A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Right-of-Way -- A strip of land occupied or intended to be occupied by a public way crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way", for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease -- Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership -- Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback -- The distance between a building wall and the nearest public way right-of-way.

Sketch Plat -- A sketch preparatory to the preliminary plat (or final subdivision plat, in the case of minor subdivisions).

Special Flood Hazard Map -- The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission -- The person(s) employed by the local governing body to assist the planning commission in planning and land use regulation activities.

Start of Construction -- For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Structure -- Anything constructed above or below ground.

Subdivider -- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision -- Means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres, for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Section 13-4-301 and 13-3-401, Tennessee Code Annotated).

Subdivision Agent -- Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Temporary Improvement -- Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Twenty-Five Year Flood -- A flood having an average frequency of occurrence of once in twenty-five (25) years.

Water Surface Elevation -- The heights in relation to mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance or Resolution -- A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code Annotated , for the purpose of regulating by district, land development or use for a designated area.

**ARTICLE 7**

**ADOPTION OF REGULATIONS AND AMENDMENTS**

**7-101 Original Enactment**

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted this **29th day of September 1982**, and immediately shall be in full force and effect. Pursuant to Sections 13-3-403 and 13-4-303, Tennessee Code Annotated, a public hearing was held on these regulations on **September 29, 1982**, at **7:00 p.m.**, at **City Hall**, in **Kingston Springs, Tennessee**, notice of which was given by publication in the **Ashland City Times**, on **September, 8, 1982**.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
September 29, 1982

Date

**ATTEST:**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
September 29, 1982

Date